

AMENDED IN ASSEMBLY JUNE 27, 2000

AMENDED IN SENATE MAY 1, 2000

**SENATE BILL**

**No. 2033**

**Introduced by Senator Figueroa**

February 25, 2000

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An act to amend Sections 8520, 8528, and 8674 of the Business and Professions Code, relating to pest control, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 2033, as amended, Figueroa. Structural Pest Control Board.

(1) Existing law establishes the Structural Pest Control Board to administer licensing and regulation provisions related to the practice of pest control and its various branches and authorizes the appointment of a registrar to serve as the executive officer and secretary of the board. The provisions establishing the board and authorizing the appointment of a registrar become inoperative on July 1, 2001, and are repealed on January 1, 2002.

This bill would delete these inoperative and repeal dates; ~~providing, and would provide~~ instead, that the provisions establishing the board and authorizing the appointment of a registrar would become inoperative on July 1, 2005, and *would be* repealed on July 1, 2006.

(2) Under existing law, the board is authorized to charge and collect specified fees, including one for each pesticide use stamp purchased from it. Existing law provides that this

particular fee may be deposited into, among other designated accounts, the Structural Pest Control Research Fund, which is continuously appropriated. Existing law also requires the board to establish a research advisory panel including, among other members, representatives from the University of California, for the purpose of soliciting and reviewing research proposals for recommendation to the board, which then distributes funds to qualified applicants.

~~This bill would require the University of California Structural Pest Control Research Extension (SPREC) panel, or other entity designated by the board, to solicit requests for proposals on behalf of the board requests for proposals. This bill would require the board to direct SPREC, with administrative oversight by the Director of Forest Products Laboratory Cooperative Extension of the University of California, to prepare and issue the research contracts and authorize for transfer from the Structural Pest Control Research Fund the funds to the applicants whose proposals were accepted by the board require the panel or other entity designated by the board to prepare and issue the research contracts and to authorize the transfer of funds to the applicants from the Structural Pest Control Research Fund, upon approval of the recommended proposals by the board by a  $\frac{2}{3}$  vote. This bill would additionally provide for payment, as specified, from this fund to the Forest Products Laboratory Cooperative Extension of the University of California for its services for processing requests for proposals, contracts, and monitoring contracted research, as specified. Because this bill would authorize a new expenditure from this fund, this bill would make an appropriation.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8520 of the Business and
- 2 Professions Code is amended to read:
- 3 8520. (a) There is in the Department of Consumer
- 4 Affairs a Structural Pest Control Board, which consists of
- 5 seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100) of this code, the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 2. Section 8528 of the Business and Professions Code is amended to read:

8528. With the approval of the director, the board shall appoint a registrar, fix his or her compensation and prescribe his or her duties.

The registrar is the executive officer and secretary of the board.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 8674 of the Business and Professions Code is amended to read:

8674. The fees prescribed by this chapter are the following:

(a) A duplicate license fee of not more than two dollars (\$2).

(b) A fee for filing a change of name of a licensee of not more than two dollars (\$2).

(c) An operator's examination fee of not more than twenty-five dollars (\$25).

(d) An operator's license fee of not more than one hundred fifty dollars (\$150).

(e) An operator's license renewal fee of not more than one hundred fifty dollars (\$150).

- 1 (f) A company registration fee of not more than one  
2 hundred twenty dollars (\$120).
- 3 (g) A branch office registration fee of not more than  
4 sixty dollars (\$60).
- 5 (h) A field representative's examination fee of not  
6 more than fifteen dollars (\$15).
- 7 (i) A field representative's license fee of not more than  
8 forty-five dollars (\$45).
- 9 (j) A field representative's license renewal fee of not  
10 more than forty-five dollars (\$45).
- 11 (k) An applicator's examination fee of not more than  
12 fifteen dollars (\$15).
- 13 (l) An applicator's license fee of not more than fifty  
14 dollars (\$50).
- 15 (m) An applicator's license renewal fee of not more  
16 than fifty dollars (\$50).
- 17 (n) An activity form fee, per property address, of not  
18 more than three dollars (\$3).
- 19 (o) A fee for certifying a copy of an activity form of not  
20 more than three dollars (\$3).
- 21 (p) A fee for filing a change of a registered company's  
22 name, principal office address, or branch office address,  
23 qualifying manager, or the names of a registered  
24 company's officers, or bond or insurance of not more than  
25 twenty-five dollars (\$25) for each change.
- 26 (q) A fee for approval of continuing education  
27 providers of not more than fifty dollars (\$50).
- 28 (r) A pesticide use report filing fee of not more than  
29 five dollars (\$5) for each pesticide use report or  
30 combination of use reports representing a registered  
31 structural pest control company's total county pesticide  
32 use for the month.
- 33 (s) A fee for approval of continuing education courses  
34 of not more than twenty-five dollars (\$25).
- 35 (t) (1) Any person who pays a fee pursuant to  
36 subdivision (s) shall, in addition, pay a fee of two dollars  
37 (\$2) for each pesticide use stamp purchased from the  
38 board. Notwithstanding any other provision of law, the  
39 fee established pursuant to this subdivision shall be  
40 deposited with a bank or other depository approved by

1 the Department of Finance and designated by the  
2 Research Advisory Panel or into the Structural Pest  
3 Control Research Fund that is hereby created and  
4 continuously appropriated to be used only for structural  
5 pest control research. If the Research Advisory Panel  
6 designates that the fees be deposited in an account other  
7 than the Structural Pest Control Research Fund, any  
8 moneys in the fund shall be transferred to the designated  
9 account.

10 (2) Prior to the deposit of any funds, the depository  
11 shall enter into an agreement with the Department of  
12 Consumer Affairs that includes, but is not limited to, all  
13 of the following requirements:

14 (A) The depository shall serve as custodian for the  
15 safekeeping of the funds.

16 (B) Funds deposited in the designated account shall  
17 be encumbered solely for the exclusive purpose of  
18 implementing and continuing the program for which  
19 they were collected.

20 (C) Funds deposited in the designated account shall  
21 be subject to an audit at least once every two years by an  
22 auditor selected by the Director of Consumer Affairs. A  
23 copy of the audit shall be provided to the director within  
24 30 days of completion of the audit.

25 (D) The Department of Consumer Affairs shall be  
26 reimbursed for all expenses it incurs that are reasonably  
27 related to implementing and continuing the program for  
28 which the funds were collected in accordance with the  
29 agreement.

30 (E) A reserve in an amount sufficient to pay for costs  
31 arising from unanticipated occurrences associated with  
32 administration of the program shall be maintained in the  
33 designated account.

34 (3) A charge for administrative expenses of the board  
35 in an amount not to exceed 5 percent of the amount  
36 collected and deposited in the Structural Pest Control  
37 Research Fund may be assessed against the fund. The  
38 charge shall be limited to expenses directly related to the  
39 administration of the fund.

1 (4) The board shall, by regulation, establish a  
2 five-member research advisory panel including, but not  
3 limited to, representatives from each of the following: ~~(1)~~  
4 (A) the Structural Pest Control Board, ~~(2)~~ (B) the  
5 structural pest control industry, ~~(3)~~ (C) the Department  
6 of Pesticide Regulation, and ~~—(4)~~ (D) the University of  
7 California. ~~The University of California's Structural Pest~~  
8 ~~Control Research Extension (SPREC)~~ *The panel, or*  
9 *other entity designated by the board,* shall solicit on  
10 behalf of the board all requests for proposals and present  
11 to the panel all proposals that meet the criteria  
12 established by the panel. The panel shall review the  
13 proposals and recommend to the board which proposals  
14 to accept. The recommendations shall be accepted upon  
15 a two-thirds vote of the board. The board shall direct  
16 ~~SPREC, with administrative oversight by the Director of~~  
17 ~~Forest Products Laboratory Cooperative Extension of the~~  
18 ~~University of California,~~ *the panel, or other entity*  
19 *designated by the board,* to prepare and issue the  
20 research contracts and authorize the transfer of funds  
21 from the Structural Pest Control Research Fund to the  
22 applicants whose proposals were accepted by the board.  
23 (5) A charge for requests for proposals, contracts, and  
24 monitoring of contracted research shall not exceed 5  
25 percent of the research funds available each year and  
26 shall be paid from the Structural Pest Control Research  
27 Fund ~~to the Forest Products Laboratory Cooperative~~  
28 ~~Extension of the University of California.~~